

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BOSTON GEORGE GRACE, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV227-RHW

HARRISON COUNTY ADULT DETENTION CENTER et al

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Before the Court is Defendants' [40] Motion to Dismiss pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Plaintiff filed this complaint on June 2, 2008. In several [4, 7, 8, 10] Orders, the Court advised Plaintiff that failure to notify the Court of a change of address may result in dismissal of his lawsuit. Plaintiff apparently was aware of this requirement because on August 11, 2008, he filed a [25] Notice of Change of Address with the Court. Since that time, the Court conducted a screening hearing, entered an [31] Order dismissing certain claims, and entered a [28] Scheduling Order.

On October 27, 2008, mail sent to Plaintiff by the Court was returned as "undeliverable". Defendants propounded written discovery on October 10, 2008, for which Plaintiff signed a receipt for legal documents. On November 10, 2008, Defendants mailed to Plaintiff's last known address a good faith letter regarding Plaintiff's failure to respond to written discovery. This letter was returned as "undeliverable". Defendant filed the instant [40] Motion to Dismiss based on Plaintiff's failure to maintain a current address with the Court. Defendant filed the motion on December 4, 2008. Plaintiff has failed to respond to the motion. Nor has Plaintiff entered a change of address since the filing of the motion. The Court contacted the Harrison County Jail

and was informed that Plaintiff was released from custody on October 10, 2008. Based on the foregoing, the Court finds that Plaintiff has failed to comply with the Court's direction to maintain a current address. The Court therefore finds that Plaintiff has failed to prosecute his lawsuit.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' [40] Motion to Dismiss is GRANTED, and that Plaintiff's lawsuit is dismissed without prejudice for failure to prosecute.

SO ORDERED, this the 12th day of January, 2009.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE